

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.

Plaintiff,

vs.

LM ERICSSON TELEPHONE COMPANY
(TELEFONAKTIEBOLAGET LM ERICSSON)

Case No. 2:11-cv-4574-RK

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP
PROJECT A/K/A 3GPP

Defendants.

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2013,
upon consideration of Defendants' Combined Motion for Leave to File a Reply and for
Leave to File Under Seal, and any response of TruePosition thereto,

IT IS HEREBY ORDERED that the Motion is GRANTED

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BY THE COURT

R. Kelly, J.

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Case No. 2:11-cv-4574-RK

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP
PROJECT A/K/A 3GPP

Defendants.

**DEFENDANTS' COMBINED MOTION FOR LEAVE TO
FILE A REPLY IN SUPPORT OF DEFENDANTS' MOTION
TO COMPEL AND FOR LEAVE TO FILE UNDER SEAL**

Defendants hereby submit this Combined Motion for Leave to file a Reply in Support of Defendants' Motion to Compel (Dkt. 227) and for Leave to File Under Seal an unredacted version of their Combined Memorandum in Opposition to Plaintiff TruePosition's Cross-Motion to Amend the Protective Order and Reply in Support of Defendants' Motion to Compel and Declaration of Benjamin H. Diessel, with Exhibits in support.

Defendants understand that "Reply . . . briefs should be filed only if absolutely necessary". Rules of Hon. Robert F. Kelly, General Motion Practice Rule 2. In light of TruePosition's recently filed Opposition and Cross-Motion (Dkt. 235), however, and to correct certain inaccuracies in that document, Defendants respectfully request that they be granted leave to submit a Reply. For the convenience of the Court and to streamline our responsive submissions, we have combined our Reply with our Opposition to TruePosition's Cross-Motion to Amend the Protective Order.

Defendants also move for an order from this Court pursuant to E.D. Pa. L.R. 5.1.5(a)(2) for leave to file under seal an unredacted version of their Combined Memorandum in Opposition to Plaintiff TruePosition's Cross-Motion to Amend the Protective Order and Reply in Support of Defendants' Motion to Compel and Declaration of Benjamin H. Diessel, with Exhibits in support. The Combined Memorandum in Opposition and Reply, and the Declaration with exhibits, reference or include material that TruePosition has designated "Outside Counsel Eyes Only" under the Court's January 16, 2013 Protective Order (Dkt. 174), including TruePosition's Responses and Objections to Defendant Qualcomm's First Set of Interrogatories, documents that TruePosition has produced during discovery, and TruePosition's Cross-Motion to Amend

the Protective Order. Therefore, in compliance with Paragraph 11 of the Protective Order, Defendants move to file the above-mentioned documents under seal.

Defendants are filing today, simultaneously with the filing of this Combined Motion, a public version of the Combined Memorandum in Opposition and Reply and Declaration, which redacts the foregoing material that has been designated “Outside Counsel Eyes Only”. These documents are attached to this Combined Motion as Exhibit A.

Dated: November 18, 2013

Respectfully submitted,

/s/ Robert N. Feltoon

/s/ Steven E. Bizar

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Counsel for Third Generation Partnership Project
a/k/a/ 3GPP

CERTIFICATE OF SERVICE

I, Robert N. Feltoon, hereby certify that I caused a true and correct copy of the foregoing Combined Motion for Leave to File a Reply in Support of Defendants' Motion to Compel (Dkt. 227) and for Leave to File Under Seal, along with the attached redacted version of the Combined Memorandum in Opposition to Plaintiff TruePosition's Cross-Motion to Amend the Protective Order and Reply in Support of Defendants' Motion to Compel, Declaration of Benjamin Diessel and accompanying exhibits, and proposed Order, to be electronically filed pursuant to the Court's electronic court filing system, and that the filing is available for downloading and viewing from the electronic court filing system. I further certify that I will cause a true and correct copy of the foregoing documents to be served tomorrow, November 19, 2013, by hand on the following counsel for Plaintiff TruePosition, Inc.:

BY HAND SERVICE:

John G. Harkins, Jr.
Colleen Healy Simpson
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4000 Two Commerce Square
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Philadelphia, PA 19103-7044

Dated: November 18, 2013

Respectfully submitted,

/s/ Robert N. Feltoon

Robert N. Feltoon